



U.S. Department of Justice
Civil Division, Federal Programs Branch
950 Pennsylvania Ave., NW
Washington, DC 20530

By ECF

September 22, 2023

The Honorable Frederic Block
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 10007

Re: *Tanya Asapansa-Johnson Walker, et al. v. Xavier Becerra, et al*, No. 20-cv-02834 (FB) (VMS)

Dear Judge Block:

On behalf of the parties to this Action, undersigned counsel respectfully submit this status report letter as to the progress of the United States Department of Health and Human Services's ("HHS") rulemaking proceedings implementing Section 1557 of the Affordable Care Act. Agency rulemaking proceedings remain ongoing. HHS Office for Civil Rights is considering public comments on a proposed regulation implementing Section 1557 that was published in the Federal Register on August 4, 2022, Nondiscrimination in Health Programs and Activities, 87 Fed. Reg. 47,824 (Aug 4, 2022).

It is difficult for HHS to predict with accuracy the time period for finalizing the rule given the multiple levels of intra and inter-agency review required, as well as the potential for unforeseen circumstances to interfere with the agency's plans. Nonetheless, HHS aspires to submit the rule to the Office of Information and Regulatory Affairs for final clearance before the end of this calendar year and to issue a final rule no later than this forthcoming winter.

Respectfully submitted,

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